Appl. No. 09/768,843
Amdt. dated August 22, 2005
Reply to Office Action of March 21, 2005

PATENT

REMARKS/ARGUMENTS

Prior to this amendment, claims 1-94 were pending. By this amendment claims 1, 6, 43, 44, 68, 69 and 94 are amended and claim 95 is added, while claim 55 is deleted, leaving claims 1-54 and 56-95 pending consideration.

The Examiner provisionally rejected claims 1-94 under obvious-type double patenting over co-pending application 09/792,364 in view of U.S. Patent No. 6,018,359 issued to Kermode et al. (hereinafter "Kermode"). While Applicant respectfully traverses a blanket rejection of the claims, a terminal disclaimer is attached herewith that is in suitable form to overcome any such rejection.

The Examiner also rejected claim 6 under 35 USC §112, rejected claims 1-12, 14-15, 17-19 and 21-43 under 35 USC §102(e) as being anticipated by Kermode, claims 69-74, 77, 80-84 and 91-94 under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,926,205 issued to Krause et al. (hereinafter "Krause") and rejected claims 13, 16, 20, 44-69, 75-76, 78-79, 85 and 87-90 under 35 USC §103(a) as being unpatentable over either Kermode and other references or Krause and other references. Applicant notes with appreciation that claims 55 and 86 are allowable if rewritten in independent form.

As for the rejection of claim 6, Applicants submit an amended claim 6 to further clarify the invention and it is believed to overcome the Examiner's objections.

Claim 1 has been amended to clarify that blocks are encoded into output symbols such that the output symbols generated are independent of when a client begins a reception and enough output symbols are available to avoid looping. This element is not disclosed or suggested in the cited references.

Kermode shows looping through each segment, which is necessary if the number of output symbols is limited such that the end of a set of symbols is likely to be reached before a client is done receiving sufficient data. To accommodate this, Kermode describes how looping might be used to deal with clients joining after a sequence of blocks has already started transmitting. Such an approach is typically necessary where symbols would run out before

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enough could be obtained for full recovery at a client, indicating that Kermode does not suggest the claimed limitation.

Krause is directed to an arrangement of blocks in an interleaved fashion and is concerned with allowing clients to join a stream at different times. With the claimed output symbols generation, such structures are not needed, as enough output symbols are available. As the systems of Krause appear to rely on elements being in a particular order that would not be combinable with Kermode to teach output symbols generated are independent of when a client begins a reception and enough output symbols are available to avoid looping.

The remaining references do not make up for the shortcomings of Kermode and Krause, alone or in combination.

Thus, amended claim 1 is allowable over the cited references.

Claims 2-42 and 95 depend from claim 1 and are allowable for at least the same reasons.

Claim 43, as amended, includes limitations similar to those in amended claim 1 and should be allowable for similar reasons.

Claim 44 is amended to incorporate the limitations of claim 55. As claim 55 was indicated as allowable, claim 44 (and claims 45-54, 56-67 dependent therefrom) should now be allowable.

Claim 68, as amended, includes limitations similar to those in amended claim 1 and should be allowable for similar reasons.

Claim 69 (and dependent claims 70-93) includes limitations similar to those in amended claim 1 and should be allowable for similar reasons.

Claim 94 includes limitations similar to those in amended claim 1 and should be allowable for similar reasons.

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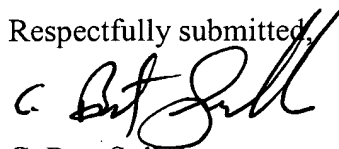Reply to Office Action of March 21, 2005

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

C. Bart Sullivan
Reg. No. 41,516

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
CBS:rgy
60545387 v2